

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF REALNETWORKS,
INC., YAHOO! INC.

Related to

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,
Defendant.

2/8/11

09 Civ. 7760 (DLC) (MHD)

~~PROPOSED~~ PRETRIAL
SCHEDULING ORDER

41 Civ. 1395 (DLC) (MHD)

DENISE COTE, District Judge:

As set forth at the pretrial conference held on February 8, 2011, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. The parties are instructed to contact the chambers of Magistrate Judge Dolinger by **February 18, 2011**, or any other later date agreeable to the parties and Magistrate Judge Dolinger, in order to pursue settlement discussions under his supervision.
2. The parties shall comply with their Fed. R. Civ. P. 26(a)(1) initial disclosure obligations by **March 1, 2011**.
2a. Status letter is due June 3, 2011.
3. All written party and third-party fact discovery requests (other than contention interrogatories or discovery which constitutes follow-up to a party's responses to pending discovery) shall be served in the period between March 1, 2011 and **June 3, 2011**.

4. The parties shall complete fact discovery by **August 5, 2011**.
5. The parties shall identify experts and disclose expert testimony conforming to the requirements of Fed. R. Civ. P. 26(a)(2)(B) by **September 2, 2011**.
6. The parties shall disclose rebuttal expert testimony by **October 14, 2011**.
7. The parties shall complete expert discovery by **December 16, 2011**.
8. The Joint Pretrial Order must be filed by **February 3, 2012**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive memorandum of law is due one week thereafter.

All direct testimony except for testimony of an adverse party, a party whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits and served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at

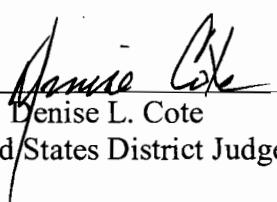
the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with two (2) courtesy copies of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labeled with the exhibit numbers and placed in a suitable container or box for ready reference.

9. The parties shall file motions *in limine* and *Daubert* motions, if any, by **February 3, 2012.**

10. The parties shall file oppositions to motions *in limine* and *Daubert* motions, if any, by **February 10, 2012.**

Dated: February 8, 2011 SO ORDERED.
New York, New York



Denise L. Cote

United States District Judge